

**BEFORE THE**  
**STATE OF WISCONSIN**  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Denial of the  
Application for a Driver Instructor's License  
for Dean C. Pinnow.

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Case No.: 95-H-908

**FINAL DECISION**

Dean Pinnow applied for a driver instructor's license. By letter dated April 27, 1995, the Wisconsin Department of Transportation denied the application. By letter dated May 16, 1995, the Wisconsin Department of Transportation requested the Division of Hearings and Appeals to conduct a hearing to review the denial. Pursuant to due notice a hearing was held on June 7, 1995 at Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with §§227.47 and 227.53(1)(c), Stats., the PARTIES are certified as follows:

Wisconsin Department of Transportation, petitioner, by

Attorney Charles M. Kernats  
Office of General Counsel  
P.O. Box 7910  
Madison, WI 53707-7910

Dean C. Pinnow, respondent,  
1904 Domanik Drive  
Racine, WI 53404-2908

no appearance

The administrative law judge issued a proposed decision on June 30, 1995. No comments on the proposed decision were received. The proposed decision is adopted as the final decision in this matter.

**FINDINGS OF FACT**

The administrator finds:

1. Dean Pinnow is an adult resident of Wisconsin. By application dated April 5, 1995, Dean Pinnow applied for a driver instructor's license.
2. Dean Pinnow was convicted and fined for having a defective tail light, City of Racine citation M23302. On August 22, 1991, the operator's license of Dean Pinnow was suspended for 26 days for failure to pay the forfeiture assessed as a result of his conviction for having a defective tail light. His operator's license was reinstated on September 18, 1991.

3. By letter dated April 27, 1995, the Wisconsin Department of Transportation denied the application of Dean Pinnow for a driver instructor's license. The reason for the denial was that Dean Pinnow has an unsatisfactory driving record.

CONCLUSIONS OF LAW

The administrator concludes:

1. Pursuant to §343.65(2), Stats., the secretary of the Department of Transportation may deny the application of a person for a driver instructor's license if the person does not have a driving record satisfactory to the secretary.
2. Pursuant to §Trans 105.03(1)(c), Wis. Adm. Code, a person's driving record shall not be considered satisfactory to hold a driving instructor's license if the person has had his or her operator's license revoked, suspended or canceled for a traffic violation other than a parking violation, at any time during the past four years.
3. Section 343.01(2)(cg), Stats., defines a moving violation as a violation of chapter 110, of chapter 194, or of chapters 341 to 349 and 351, Stats. Pursuant to this definition, the suspension of the operating privileges of Dean Pinnow for failure to pay a forfeiture is a traffic violation.
4. The Division of Hearings and Appeals has the authority pursuant to §§343.69 and 227.43(1)(bg), Stats., to issue the following order.

ORDER

The administrator orders:

The denial of the Department of Transportation of the application of Dean C. Pinnow for a driver instructor's license is affirmed.

Dated at Madison, Wisconsin on July 26, 1995.

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DIVISION OF HEARINGS AND APPEALS  
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By

David H. Schwarz  
Administrator